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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,613

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John Williams

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EXAMINER

OMOTOSHO, EMMANUEL

ART UNIT

PAPER NUMBER

3714

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/644,613

Applicant(s)

WILLIAMS ET AL.

Examiner

EMMANUEL OMOTOSHO

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow et al. ("Kaminkow") US Patent 6,656,041, **and further in view of Okada US Pub. No. 2004/0209672.**

4. Claims 1,8-9 and 11: Kaminkow teaches a gaming machine having a chamber (Fig 1 El. 58), a panel carrying gaming machine artwork (El. 70 Par 4 lines 22-26), a light diffusing element (Par 4 lines 18-21) and a gaming machine illuminating arrangement comprising a carrier (Fig 3 El. 68) and a plurality of semiconductor illuminating elements arranged in a predetermined array on the carrier (Par 4. lines 58-

66). Further comprising a controlling means for controlling operation of the illuminating arrangement (Par 4. lines 58-64).

5. Kaminkow does not specifically disclose that the light-diffusing element can be arranged on an opposed side of the chamber in spaced relationship relative to the panel.

6. **Okada teaches of gaming system with a display device arranged in the belly of the gaming system comprising a panel carrying artwork on one side and a light-diffusing panel on a different side of the game's chamber. An illuminating member is placed between the artwork panel and the light diffuser to make an arrangement that provides a backlighting feature to the system (Par 86, fig 1, fig 36).**

7. **Kaminkow motivated that number of arrangement modifications could be made to the design (Par. 5 lines 55-66). Therefore it would have been obvious to one of ordinary skill in the art to incorporate Okada's teaching of the illuminating arrangement to further provide backlighting to the system since it has been held that rearranging parts of an invention involves only routine skill in the art. See In re Japikse, 86 USPQ 70.**

8. **Claims 3-4: Kaminkow teaches that the semiconductor illuminating elements are in the form of light emitting diodes (LEDs) where in the arrangement is a sequence of repeating groups (Par 4. lines 58-64, Fig 3).**

9. **Claims 5-6: Kaminkow teaches that the group comprises a predetermined number of differently colored LEDs in which the colors may correspond to**

various colors (Par 4 line 67 – Par 5 line 2). Kaminkow did not teach the colors, specifically, to be primary colors. However, it is a matter of design choice to have the LED's to have only primary colors. Such method is extremely old in the gaming art since by having only primary colors one can generate the other colors through the combination of primary colors. However, if applicant wishes to contend this official notice position, applicant should respectfully consider Paulsen et al US 2006/0121967 par. 6 before filing a next response to the office.

10. Claim 10: wherein the chamber defining means is arranged in a top box of the gaming machine (Kaminkow Fig 1)

11. Claim 11: Even though this claim is rejected above using Okada, Applicant should respectfully further note here that the word "belly" is extremely broad and thus is subject to the broadest-reasonable interpretation. For example, a definition of "belly" found in the dictionary of <http://encarta.msn.com> states that the belly is the "the interior cavity of a structure". Thus, using this interpretation Kaminkow Fig 1 el. 58 teaches would still read on this feature.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in further view of Okada. Kaminkow fail to specifically show that the carrier comprises of a strip of printed circuit board (PCB) carrying conductive traces for connecting the illuminating elements to a control means for supplying electrical power to the PCB, the control means being part of a controller of the gaming machine. However, as previously acquiesced by the applicant, It is well known in the art to use PCB boards to mount and control LED displays. For

example, see Chaudhry, US 4,363,486, which shows this feature to be old (Par. 1 line 59 – Par. 2 line 12). It is also well known to use LED's to display information on many type of devices, displaying color pictures, text, flashing lights etc.

13. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow et al. ("Kaminkow") US Patent 6,656,041, and further in view of Lang US Patent 4,714,983.

14. Claims 12-13: Kaminkow teaches a gaming machine comprising: a chamber-defining portion that defines a chamber (Fig 1 El. 58); a panel carrying gaming-machine artwork arranged on one side of the chamber (El. 70 Par 4 lines 22-26); a light-diffusing element (Par 4 lines 18-21), a plurality of semiconductor illuminating elements arranged in a repeating sequence of groups (Par 4. lines 58-66), each of the groups comprising semiconductor illuminating elements operable to emit light of different colours (Par 4 line 67 – Par 5 line 2).

15. Kaminkow fails to teach the light-diffusing element *arranged on an opposed side of the chamber in spaced relationship relative to the panel; and a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element, wherein the gaming machine illuminating arrangement is operable to provide backlighting for the panel.*

16. Lang teaches a display device with a panel carrying artwork on one side and a light-diffusing panel on a different side of the game's chamber. An illuminating member is placed between the artwork panel and the light diffuser to

make an arrangement that provides a backlighting feature to the system (col 3:57- col 4:24). A controller independently controls the light sources (fig 2).

17. Kaminkow motivated that number of arrangement modifications could be made to the design (Par. 5 lines 55-66). Therefore it would have been obvious to one of ordinary skill in the art to incorporate Lang's teaching of the illuminating arrangement since it has been held that rearranging parts of an invention involves only routine skill in the art. See In re Japikse, 86 USPQ 70.

18. Kaminkow teaches that the semiconductor illuminating elements are in the form of light emitting diodes (LEDs) where in the arrangement is a sequence of repeating groups (Par 4. lines 58-64, Fig 3).

19. Kaminkow teaches a controller operable to independently control semiconductor illuminating elements within the groups (Par 4. lines 58-64).

Examiner's Note

Since applicant did not traverse the examiner's assertion of the following well known in the art statements, the following statements are now been taken to be admitted prior art (See MPEP 2144 Part 3)

- a. To use PCB boards to mount and control LED displays
- b. To use LED's to display information on many type of devices, displaying color pictures, text, flashing lights

Pertinent Prior Art

Satoh et al. US 6,811,273 B2 teaches illumination unit for reels of slot machine.

Response to Arguments

Applicant's arguments filed 7/16/07 have been considered but are moot in view of the new ground(s) of rejection. Please see newly added and highlighted paragraphs above.

Response to Arguments

1. Applicant's arguments filed 2/1/08, in regards to claims 1-11, have been fully considered but they are not persuasive.
2. On page 7, applicant argues, "there is no teaching in Okada of a light-diffusing element arranged on an opposed side of a chamber in spaced relationship relative to a panel carrying gaming machine artwork, wherein a gaming machine illuminating arrangement arranged in the chamber between the panel and the light diffusing element is operable to provide backlighting for the panel. Thus, neither Kaminkow nor Okada, whether considered separately or in a hypothetical combination, teaches all the elements of claim 1 of the present application."
3. The examiner respectfully disagrees. As shown above, Okada teaches a display arrangement comprising of an illuminating member placed between an artwork panel and a light diffuser to make an arrangement that provides a backlighting feature to the display system. This arrangement, taught by Okada, is what the examiner is relying on for the combination made above. Please see par 6 above and Okada fig 36.
4. On pages 7-8, applicant argues, "The applicant also notes that no particular reasons have been given as to why one skilled in the art would modify the arrangement of Kaminkow using the

apparatus of Okada. The office action refers to column 5 lines 55-66 of Kaminkow. However, the cited passage is merely a general statement that modifications and variations may be made to the described arrangement. There is no particular teaching or suggestion of or motivation for any specific variations or the desirability of any variation. It is submitted that this boilerplate statement does not provide any reason as to why a skilled person would seek to combine Kaminkow and Okada."

5. The examiner respectfully disagrees. Please see par 7 under the *DETAILED ACTION*. In col 5:55-66, Kaminkow teaches that the invention is not limited to the arrangement for the display system shown in the embodiments. Okada teaches a different arrangement for a display system. Thus it would have been obvious to one of ordinary skill in the art to combine Okada's teachings with Kaminkow as shown above. Rearranging parts of an invention involves only routine skill in the art.
6. On page 8, applicant argues, "The applicant also notes that claim 1 of the present application specifies that a plurality of semiconductor illuminating arrangements are arranged in a predetermined array on a carrier. It is submitted that the light bulbs 98 shown in Fig. 3 of Kaminkow are not arranged in an array. Instead, the light bulbs are arranged around the periphery of a mechanical blower mechanism 66."
7. The examiner respectfully disagrees. Please see fig 3 el. 68 and Par 4. lines 58-66 of Kaminkow.
8. On page 8, applicant argues, "The office action asserts on page 3 paragraph 8 that Kaminkow teaches that the illuminating arrangement is a sequence of repeating groups. The applicant has carefully reviewed the cited portions of Kaminkow, but can detect no teaching or suggestion of illuminating elements being arranged in "repeating groups.""
9. Please see Par 4. lines 58-64 and Fig 3 of Kaminkow.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **EMMANUEL OMOTOSHO** whose telephone number is (571)272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
06/08/08